

EXHIBIT 5
DATE 02/04/2013
HB 254

Hartman, Patty

From: Tammy Cota <tammy@internetalliance.org>
Sent: Monday, February 04, 2013 8:15 AM
To: Hartman, Patty
Subject: Please amend HB 254, political ad bill
Attachments: MT_political_ads_ltr.doc

Importance: High

The Internet Alliance (IA), comprised of the leading Internet, communications and technology companies including AOL, Google, Facebook, Yahoo and VeriSign, fully support effective disclosure of the source of political advertisements, as it creates and promotes transparency among voters.

However, as the attached letter explains, the disclosure requirements contained in HB 254 inadvertently prevents campaigns from making full use of the Internet, especially when it comes to search engine, mobile media, or any other small display advertising methods. We suggest that you please consider amending the bill to mirror Florida and Maryland election laws, which allow for media that contain a restricted number of characters.

Thank you. Please let me know if you have questions.

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February 4, 2013

Honorable Pat Ingrahm, Chair
House State Administration Committee
Montana House of Representatives
PO Box 200400, Room 455
Helena, MT 59620-0400

Dear Representative Ingrahm:

The Internet Alliance (IA), comprised of the leading Internet, communications and technology companies including AOL, Google, Facebook, Yahoo and VeriSign, fully support effective disclosure of the source of political advertisements, as it creates and promotes transparency among voters.

However, the disclosure requirements contained in HB 254 inadvertently prevents campaigns from making full use of the Internet, especially when it comes to search engine, mobile media, or any other small display advertising methods.

During the hearing scheduled for February 4 we ask that you consider amending the bill to account for the differences between traditional media and advertising in the online world. This bill would require certain political committee ads, funded by anonymous donors, to clearly and conspicuously include in all publications and ads, the following disclaimer: "This communication has been funded by anonymous sources. It is the responsibility of the voter to determine the veracity of the statements being made and the true character of the organization behind this communication." This applies to ads published or distributed through the internet.

Such a disclaimer would be largely impractical in common online ad displays including search engine result pages, text messages or messages appearing on mobile media such as cell phones or iPads, which all have limitations on the amount of text that can be displayed.

Internet Alliance members believe this bill can be amended to simultaneously give candidates an opportunity to use online social media to reach out to constituents and potential voters while still allowing for such online advertising venues.

In 2010, both Florida and Maryland addressed this issue by including language in their election laws that allow candidates to take advantage of the unique benefits enabled by online political advertising while still complying with state election laws. In particular, Florida and Maryland made exceptions to state disclosure laws for:

- Text ads that do not exceed 200 characters and have a link that directs users to another Internet website that contains the required disclosures; and
- Small display ads “where compliance with the requirements [are] not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies . . .”

Both of these laws still require prominent disclosures from the sponsors of political advertisements, while allowing small display ads to provide a hyperlink to a landing or home page which prominently displays the required information. This assures that anyone wishing to find out who paid for a particular ad may do so by simply clicking on the link.

As you know, the challenge for adopting laws and regulations is language that can adapt to the Internet, a medium that is ever-evolving. New internet products and services are created and changed almost daily. By including the language suggested above, we believe the bill will take these new forms of communication into account.

Thank you for taking the time to look at this issue. I am available any time to answer questions or put you in touch with individual members for further discussions.

Sincerely,

Tammy Cota

Tammy Cota

cc: House State Administration Committee members